

NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 22, 1915.

The Senate met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names.

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	Lattimore.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Conner.	Page.
Cowell.	Parr.
Darwin.	Robbins.
Gibson.	Suiter.
Hall.	Townsend.
Harris.	Westbrook.
Henderson.	Wiley.
Hudspeth.	

Absent.

Harley. McGregor.

Absent—Excused.

Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with.

See Appendix for Committee Reports and Petitions and Memorials.

Simple Resolution No. 41.

By Senator Morrow:

S. R. No. 41: Amend Senate Rule No. 36, so that it shall read as follows:

Rule 36: All resolutions except those named in Senate Rule No. 35, shall be referred to appropriate committees; provided, that on motion by unanimous consent, they may be acted on at once.

Morrow, Bee, Bailey of DeWitt, Harley, Hall, Wiley, Darwin, Astin, Gibson, Cowell, Henderson, King, Page, Lattimore, McGregor, Hudspeth.

Read and referred to Committee on Rules.

Bills and Resolutions.

By Senator Johnson:

S. B. No. 121, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Regular Session of the Thirty-second Legislature, so amending said Chapter as to declare what counties shall comprise the Forty-sixth Judicial District; to fix the time of holding court in the various counties of said district; to make the process issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator King:

S. B. No. 122, A bill to be entitled "An Act to amend an Act entitled 'An Act to prevent the pollution of water courses or other public bodies of water of the State of Texas; providing a penalty therefor, and providing means for the abatement thereof,' which is an Act known as Chapter 47 of the Acts of the Regular Session of the Thirty-third Legislature, page 90, which passed the Legislature March 18, A. D. 1913, and was approved by the Governor on March 27, 1913, by inserting after the word 'purposes,' in Section 1 thereof, page 90, of said Acts, the following: 'providing, however, that the provisions of this bill shall not affect any municipal corporation situated on tide water; that is to say, where the tide ebbs and flows in such water course.'"

Read first time, and referred to Committee on Public Health.

By Senator Parr:

S. B. No. 123, A bill to be entitled "An Act to establish the South Texas State Normal College; providing for the control of same; and making an appropriation therefor."

Read first time, and referred to Committee on Educational Affairs.

By Senator Lattimore:

S. B. No. 124, A bill to be entitled "An Act to amend Article 915, Title 10, of the Code of Criminal Procedure of the State of Texas, providing that an appeal may be taken in criminal cases by giving notice thereof in open court, and having the same entered of record, by adding thereto a

provision that if notice is given and the order is not entered of record at the term at which the case was tried, the court, in term or vacation, may enter an order requiring the notice to be entered of record nunc pro tunc."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Bee, Hudspeth, Kling, Bailey of Harris, and Darwin:

S. B. No. 125, A bill to be entitled "An Act to protect and preserve the public health; to reorganize and confer additional powers, duties and authority on the State Board and Department of Health; to provide for the establishment and organization of county, municipal and village boards of health, and to define the powers, duties and authority of said boards, and providing for the maintenance of same; to provide for the appointment of officers and employes, and the commissioning of sanitary police with the powers of peace officers; to require the preparation of a sanitary code; to provide for general and local sanitation, including inspection of public and private premises, and authorizing the issuance of search warrants therefor, if necessary; to provide maritime and land quarantine; to provide for the abatement of nuisances and other things detrimental to the public health, and constituting the violation of an order of the commissioner a misdemeanor, and providing punishment therefor; to authorize the commissioner and his agents to enter premises and destroy nuisances at the expense of the owner or occupant of such premises; to provide for the reporting of communicable diseases by physicians and other persons, and fixing the compensation for such services; to provide for mandamus proceedings to abolish nuisances; to provide for the compensation for property destroyed by authority of this Act; to provide for the suppression of infectious and contagious diseases in any county, city or town at the expense of such county, city or town, and authorizing commissioners courts and city and town councils to promulgate and enforce rules and regulations for the public health; to constitute the Dairy and Food Department and the commissioner of said department a part of the health department; to provide for medical examination of school children and

teachers; to repeal all laws and parts of laws, general and special, in conflict with the provisions of this Act, and to provide for the succession of the boards and department created by this Act to all powers, duties, authority, rights, claims and property of the present department and boards; to create a public health fund, appropriating the moneys in said fund and authorizing other appropriations for the expenses of the health department, and declaring an emergency."

Read first time, and referred to Committee on Public Health.

By Senator Hall:

S. B. No. 126, A bill to be entitled "An Act to repeal Article 7380, of the Revised Civil Statutes of the State of Texas, 1911, adopted by the Regular Session of the Thirty-second Legislature."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Morrow, Bailey of DeWitt, and Hudspeth.

S. B. No. 127, A bill to be entitled "An Act to amend Article 7059, Revised Statutes of the State of Texas, and to fix the compensation of district judges in the State, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Darwin:

S. B. No. 128, A bill to be entitled "An Act to amend Article 1121, Subdivision 60, of Chapter 2, Title 25, of the Revised Civil Statutes of the State of Texas of 1911, relating to the creation of corporations for the purpose of constructing, acquiring, maintaining and operating lines of electric, gas or gasoline, denatured alcohol, or naphtha motor railways, within and between any cities or towns in this State for the transportation of freight or passengers, so as to make them subject to the regulation and control of the Texas Railroad Commission, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senators Hudspeth and Lattimore:

S. B. No. 129, A bill to be entitled "An Act to amend Article 3759, Title 54, of the Revised Civil Statutes of

Texas of 1911, regulating sales under deed of trust, and providing for said sales and the method of giving notice, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Morrow:

S. J. R. No. 3, proposed amendment to the Constitution of the State of Texas, amending Article 5, Section 2, of the Constitution of said State, so as to provide that the Supreme Court of this State shall consist of a chief justice and four associate justices, describe their qualifications, tenure of office and compensation."

Read first time, and referred to Committee on Constitutional Amendments.

(By unanimous consent.)

By Senator Hudspeth:

S. B. No. 130, A bill to be entitled "An Act to provide for the establishment and location of an asylum in or adjacent to the city of El Paso, Texas, for the care and treatment of the insane, and to make an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on State Asylums.

By Senators McGregor, King, Suiter, Hall, McNealus, Bailey of Harris, Westbrook, Bee, Hudspeth, Harris, Johnson, Parr, Conner, Nugent, and Astin:

S. B. No. 131, A bill to be entitled "An Act to amend Article 5475, Title 80, of the Revised Civil Statutes of 1911, by adding the following:

"Provided, however, that this Article shall not apply in any way or in any case where any person leases or rents lands or tenements at will or for a term of years for agricultural purposes where the same is cultivated by the tenant who furnished everything except the land and where the landlord charges a rental of more than one-third of the value of the grain or more than one-fourth of the value of the cotton raised on said land; nor where the landlord furnishes everything except the labor and the tenant furnishes the labor and the landlord directly or indirectly charges a rental of more than one-half of the value of the grain or more than one-half of the value of the cotton raised on said land; and any contract for the leasing or renting

of land or tenements at will or for a term of years for agricultural purposes stipulating or fixing a higher or greater rental than that herein provided for, shall be null and void, and shall not be enforceable in any court in this State by any action either at law or in equity, and no lien of any kind, either contractual or statutory, shall attach in favor of the landlord, his estate or assigns, upon any of the property named, nor for the purpose mentioned in this Article; and provided, further, that if any landlord or any person for him shall violate or attempt to evade any of the provisions of this Article by collecting or receiving a greater amount of rent for such land, than herein provided shall be collected or received by him upon any contract, either written or verbal, the tenant or person paying the same, or the legal representative thereof, may, by an action of debt instituted in any court of this State, having jurisdiction thereof, in the county of the defendant's residence, or in the county where such rents or money shall have been received or collected, or where said contracts may have been entered into, or where the party or parties who pay the same resided when such contract was made, within two years after such payment, recover from the person, firm or corporation receiving the same, double the amount of such rent or money so received or collected."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Lattimore:

S. B. No. 132, A bill to be entitled "An Act to create an illiteracy commission for the State of Texas; outlining its powers and duties, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

Simple Resolution No. 42.

By Senator McGregor:

Whereas, The State democratic platform is a solemn pledge between the people and their representatives in the Legislature, whereby the Legislature is bound by the highest obligations of public duty and good faith with the people to make the measures of the platform paramount and enact every principle of the platform into law; therefore, be it

Resolved, That the bills relating to platform demands shall have precedence over all other bills on all days except House Bill Day, and the rules are hereby so modified as to give effect to this resolution by considering such bills only except on the days above named, until all other bills are finally disposed of; and be it further

Resolved, That it shall require three-fourths of a quorum present and voting to in any way repeal, change or modify this resolution when the same shall have become effective.

McGregor, Robbins, Parr, Harris, Bee, Astin, King, Morrow, Clark, McNealus, Gibson, Page, Nugent, Westbrook, Johnson, Hall, Bailey of DeWitt, Hudspeth, Henderson.

The above resolution was read, and Senator McGregor moved that the same be adopted.

Senator Morrow made the point of order that the resolution, seeking to amend the rules, would have to lie over for one day, and,

The Chair, Lieutenant Governor Hobby, sustained the point of order.

Senator McGregor then moved that the resolution be referred to the Committee on Rules.

Senator Brelsford moved, as a substitute, that the resolution lie on the table subject to call.

Pending discussion, Senator Morrow made the point of order on the substitute motion that the resolution, being a proposed amendment to the rules, would have to be referred to the Committee on Rules.

The Chair sustained the point of order, and the resolution was referred to Committee on Rules.

Simple Resolution No. 43.

By Senator Bailey of Harris:

I move that Senators not now members of Senate Judiciary Committee No. 1 be added to said committee for the purpose of considering S. B. No. 78, and for that purpose only, on Tuesday, January 26, 1915, and as long thereafter as may be necessary to consider said bill.

BAILEY of Harris.

The resolution was read and adopted.

Simple Resolution No. 44.

By Senator Hudspeth:

Whereas, The Hon. R. A. Greer, of Beaumont, Texas, formerly a distinguished member of this Senate, is now in the Senate gallery; be it

Resolved, That he be invited to address the Senate and the courtesies of this body be extended to him.

The resolution was read and adopted.

The Chair appointed Senators Hudspeth, King and Bailey of DeWitt as a committee to present former Senator Greer to the Senate, who, after being introduced, thanked the Senate for their courtesy.

Simple Resolution No. 45.

By Senator Robbins:

Resolved, That each member of the Senate furnish the Sergeant-at-Arms with a list of the six newspapers allowed by the contingent expense.

The resolution was read and adopted.

Morning call concluded.

Simple Resolution No. 34.

(Regular order.)

Action recurred on S. R. No. 34—providing for the appointment of an additional page for the Senate—and the resolution was laid before the Senate.

Pending discussion, Senator Henderson moved the previous question on the same, which motion being duly seconded, was so ordered.

The resolution was read and adopted by the following vote:

Yeas—16.

Astin.	Harris.
Bailey of DeWitt.	Henderson.
Bailey of Harris.	Hudspeth.
Bee.	King.
Brelsford.	McGregor.
Clark.	McNealus.
Darwin.	Nugent.
Hall.	Page.

Nays—7.

Conner.	Townsend.
Johnson.	Westbrook.
Lattimore.	Wiley.
Suiter.	

Present—Not Voting.

Cowell.	Parr.
Gibson.	Robbins.
Morrow.	

Absent.

Harley.

Absent—Excused.

Smith.

Message From the House.

Hall of House of Representatives,
Austin, Texas, January 22, 1915.
Hon. W. P. Hobby, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

S. B. No. 47, Sterling County In-
dependent School District.

Also H. C. R. No. 1, Changing the
form of printing bills.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representa-
tives.

Excused.

On account of important business:
Senator Harley, indefinitely, on
motion of Senator Morrow.

Senate Bill No. 52.

(Special order.)

The Chair laid before the Senate,
on second reading and special order,
S. B. No. 52, A bill to be entitled
"An Act to reorganize the Thirteenth
Judicial District of Texas, and to
create the ——— Judicial District
of Texas; and fix the time of hold-
ing the courts in said district; and
to provide for organizing grand
juries at certain terms in said
courts; and to provide for the ap-
pointment of a judge of the ———
Judicial District; and to continue in
office the judge of the Thirteenth
Judicial District, and district at-
torney for said district, as district
attorney of said judicial district and
the clerks of the district courts in
the several counties of said district;
and to repeal all laws and parts of
laws in conflict herewith, and de-
claring an emergency."

Senator Morrow made the point of
order that C. S. for S. B. Nos. 13, 30
and 31, being pending business from
yesterday, could not be displaced by
a special order.

The Chair overruled the point of
order.

The committee report, that the
bill be not printed, was adopted.

Senator Astin offered the follow-
ing amendment, which was read and
adopted:

Amend the caption as printed in
the Journal, on page 97, line 13, be-
fore the word "and," insert the fol-
lowing:

"The office of district attorney for
the Thirteenth Judicial District is
hereby abolished, and the county at-
torney of said county shall perform
the duties of said district attorney."

Adopted.

Senator Astin offered the follow-
ing amendment, which was read and
adopted:

Amend the bill as printed in the
Journal, on page 98, Section 5, by
adding after the word "abolish," the
following:

"The county attorney of Navarro
County shall hereafter perform all
the duties heretofore performed by
said district attorney of the Thir-
teenth Judicial District."

Adopted.

Senator Astin offered the follow-
ing amendment, which was read and
adopted:

Amend the bill in Section 3 by
adding after the word "May," the
word "July," and after the word
"June," the word "August."

Astin, Lattimore.

The bill was read second time, and
passed to engrossment.

On motion of Senator Astin, the
constitutional rule requiring bills to
be read on three several days was
suspended, and S. B. No. 52 put on
its third reading and final passage
by the following vote:

Yeas—27.

Astin.	Hudspeth.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McGregor.
Clark.	McNealus.
Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Page.
Gibson.	Parr.
Harris.	Robbins.
Henderson.	Suiter.

Townsend. Wiley.
Westbrook.

Absent.

Hall.

Absent—Excused.

Harley. Smith.

The bill was read third time, and passed by the following vote:

Yeas—27.

Astin.	King.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Conner.	Page.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Suiter.
Harris.	Townsend.
Henderson.	Westbrook.
Hudspeth.	Wiley.
Johnson.	

Nays—1.

Cowell.

Absent—Excused.

Harley. Smith.

Senator Astin moved to reconsider the vote by which S. B. No. 52 was passed and table the motion to reconsider.

The motion to table prevailed.

House Concurrent Resolution No. 1 Referred.

The Chair, Lieutenant Governor Hobby, referred, after its caption had been read, H. C. R. No. 1, to Committee on Rules.

Committee Substitute for Senate Bills Nos. 13, 30 and 31.

(Pending Business.)

The Chair laid before the Senate, as pending business from yesterday, C. S. for S. B. Nos. 13, 30 and 31, the question being on the pending amendment by Senator McNealus et al.

Following is the amendment:

Amend the printed substitute, page 7, after line 27, by adding Section 1a, to read as follows:

10—Senate

"Section 1a. The Article providing for the payment of poll taxes is hereby suspended, and also its suffrage penalties, to the date as provided for in the bill above, and is subject to and controlled by all other provisions of the bill. In the event that this Section 1a shall be held to be unconstitutional, such holding shall not affect any other provisions in this Act."

The amendment was lost by the following vote:

Yeas—7.

Bailey of Harris.	McNealus.
Brelsford.	Suiter.
Henderson.	Westbrook.
Hudspeth.	

Nays—18.

Bee.	King.
Clark.	Lattimore.
Conner.	McGregor.
Cowell.	Nugent.
Darwin.	Page.
Gibson.	Parr.
Hall.	Robbins.
Harris.	Townsend.
Johnson.	Wiley.

Present—Not Voting.

Astin. Bailey of DeWitt.

Absent—Excused.

Smith.

Pairs Recorded.

Senator Morrow (present), who would vote yea, with Senator Harley (absent), who would vote nay.

Pending discussion, Senator Hudspeth moved the previous question on the pending amendment, and the bill. The motion for the previous question was seconded, and was ordered by the following vote:

Yeas—19.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Clark.	Morrow.
Cowell.	Nugent.
Gibson.	Parr.
Hall.	Robbins.
Harris.	Suiter.
Henderson.	Westbrook.
Hudspeth.	Wiley.
Johnson.	

Nays—8.

Astin.	Conner.
Bee.	Darwin.

King.	Page.
McGregor.	Townsend.

Present—Not Voting.

Brelsford.

Absent—Excused.

Smith.	Harley.
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Action here recurred on the amendment by Senator Harley, offered on yesterday, and the same was held out of order.

Action then recurred on the engrossment of the bill, and the Senate refused to order same engrossed by the following vote:

Yeas—10.

Astin.	Hudspeth.
Brelsford.	Lattimore.
Cowell.	McNealus.
Harris.	Suiter.
Henderson.	Westbrook.

Nays—17.

Bailey of DeWitt.	Darwin.
Bailey of Harris.	Gibson.
Bee.	Hall.
Clark.	Johnson.
Conner.	King.
McGregor.	Robbins.
Nugent.	Townsend.
Page.	Wiley.
Parr.	

Absent—Excused.

Smith.

Pairs Recorded.

Senator Morrow (present), who would vote yea; Senator Harley (absent), who would vote nay.

Message From the House.

Hall of House of Representatives,
Austin, Texas, January 22, 1915.
Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 107, A bill to be entitled "An Act to repeal Chapter 24, Special Laws of Regular Session of Thirty-second Legislature, the same being a special road law for Jefferson County, and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act to amend Section 2, Chapter 96, of the General Laws of the Regular Session of the Thirty-third Legislature, relating to the taking of fish; the purpose of the amendment being to add to the list of counties exempted by the provisions of said section, Wood County, and declaring an emergency."

H. C. R. No. 2, relating to co-operative agricultural extension work between agricultural colleges in the several States.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

House Bills Read and Referred.

The Chair, Lieutenant Governor Hobby, had referred, after their captions had been read, the following House bills:

H. B. No. 107, referred to Committee on Public Roads, Bridges and Ferries.

H. B. No. 132, referred to Judiciary Committee No. 1.

H. C. R. No. 2, referred to Committee on Agricultural Affairs.

To the Senate.

Senate Chamber,
January 22, 1915.

Whereas, I, C. W. Nugent, President Pro Tempore of the Senate of Texas, contemplate that following this day and beginning Saturday, January 23, 1915, I shall necessarily be absent from the Senate continuously for about eight days on account of important business, and,

Whereas, It becomes my duty to designate a member of this Senate to perform the duties of President Pro Tempore of the Senate in my absence,

Now, therefore, I hereby nominate and designate the Hon. John H. Bailey, the Senator from DeWitt, to act in my place and stead as President Pro Tempore aforesaid at such times during my absence as any duties shall devolve upon the President Pro Tempore in conducting the business of the Senate.

C. W. NUGENT,
President Pro Tempore of Senate.

Message From the Governor.

Governor's Office,
Austin, Texas.
January 22, 1915.

To the Texas State Senate:

I ask the advice and consent of the Senate to the appointment of Hon. C. E. Lane, of Fayette County, to be Associate Justice of the Court of Appeals of the First Supreme Judicial District of Texas, sitting at Galveston.

Respectfully submitted,
JAS. E. FERGUSON,
Governor.

Bill Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 47, A bill to be entitled "An Act enlarging and giving boundaries of Independent School District No. 1, Sterling County, for school purposes; making such old district subject to school house bonds outstanding, and providing for a board of equalization for said district and defining its duties; placing all territory included in such district under the jurisdiction of the board of trustees of such new district, and giving such board of trustees all authority now or that may hereafter be given under the General Laws regulating independent school districts not in conflict with this Act, and validating the incorporation of the former district, not in conflict with this Act, and declaring an emergency."

Adjournment.

Senator Clark, at 6:40 o'clock p. m., moved that the Senate adjourn until 1:30 o'clock p. m. Monday, and Senator Lattimore moved, as a substitute, that the Senate adjourn until 1:30 p. m. o'clock tomorrow.

Action recurred on the longest time first and the motion to adjourn until Monday afternoon was lost by the following vote:

Yeas—13.

Astin.	Brelsford.
Bee.	Clark.

Conner.	McGregor.
Darwin.	McNealus.
Gibson.	Page.
Hall.	Wiley.
King.	

Nays—14.

Bailey of Harris.	Morrow.
Cowell.	Nugent.
Harris.	Parr.
Henderson.	Robbins.
Hudspeth.	Suiter.
Johnson.	Townsend.
Lattimore.	Westbrook.

Present—Not Voting.

Bailey of DeWitt.

Absent—Excused.

Harley.	Smith.
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Action recurred on the substitute motion, and Senator Darwin moved that the Senate adjourn until 1 o'clock p. m. Monday, which motion was adopted by the following vote:

Yeas—16.

Astin.	Hall.
Bailey of Harris.	King.
Bee.	McGregor.
Brelsford.	McNealus.
Clark.	Nugent.
Conner.	Page.
Darwin.	Parr.
Gibson.	Wiley.

Nays—10.

Cowell.	Morrow.
Harris.	Robbins.
Henderson.	Suiter.
Johnson.	Townsend.
Lattimore.	Westbrook.

Absent.

Bailey of DeWitt. Hudspeth.

Absent—Excused.

Harley.	Smith.
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APPENDIX.**Petitions and Memorials.**

Senator King offered a telegram numerously signed by firms and business men of Beaumont asking support of S. B. No. 79 and H. B. No. 130, providing amendment to present lien law.

Senator McNealus offered a resolution from Dick Dowling Camp, U.

C. V., No. 197, advocating amendment to anti-pass law, so that railways may grant passes to Confederate soldiers.

Senator Bailey of DeWitt offered petition of the Victoria Chamber of Commerce, praying for legislation regulating charges by telephone companies.

Senator Townsend offered a petition from the members of the Palestine Bar Association, requesting support of an act to increase the salary of district judges of Texas from \$3,000.00 to an amount not to exceed \$5,000.00 per annum.

Senator Wiley offered a petition numerously signed by citizens of his district, protesting against any legislation regulating the sale of drugs, etc.

Senator Bailey of Harris offered telegrams from Miles Bennett, R. L. Blaffer and H. R. Sewell, all of Houston, endorsing the pending bill relating to corporate powers of oil, gas and pipe line companies.

Committee Reports.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 101, A bill to be entitled "An Act to reorganize the Fifth and Seventh Judicial Districts of Texas, and to create the Seventy-seventh Judicial District of Texas, and to fix the time of holding courts in said districts, and to fix the jurisdiction of the court for the Seventy-seventh Judicial District of the State of Texas, and to provide for the appointment of a district judge and district attorney for the Seventy-seventh Judicial District, and a district judge for the Seventh Judicial District, and to provide for the return and service of process in said districts, and validating process which has been issued, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NUGENT, Chairman.

Committee Room,
Austin, Texas, January 22, 1915.

To Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 36, A bill to be entitled "An Act creating the Seventy-fourth Judicial District, to be composed of Wichita County; to prescribe its jurisdiction and fix its terms; to conform all writs and process of said court and of the Thirtieth Judicial District for Wichita County to such changes as are made by the provisions of this Act; to empower the judges of the Thirtieth Judicial District and the Seventy-fourth Judicial District to transfer causes from their respective courts to the other district court for Wichita County as herein provided; to provide for the appointment of a district judge for the Seventy-fourth Judicial District until the next general election, and to fix his salary; to provide that no grand juries shall be impaneled for this court unless by special order of the judge thereof, and providing that he shall have the authority to recall and reorganize the grand jury of the Thirtieth District Court for Wichita County; to provide for the arrangement of the dockets of the two district courts for Wichita County; to provide that the clerk of the district court of Wichita County shall be the clerk of this court; to provide that all original cases in this court shall be prosecuted by the district attorney of the Thirtieth Judicial District, and declaring an emergency,"

Have had the same under consideration, and we beg to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

NUGENT, Chairman.

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to repeal Article 1141, Section 1, Chapter 116, of the Acts of the regular session of the Thirty-third Legislature, and to insert in lieu thereof a new Article numbered

1141, fixing a penalty for murder; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: A minority of your Judiciary Committee No. 2, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to repeal Article 1141, Section 1, Chapter 116, of the Acts of the Regular Session of the Thirty-third Legislature, and to insert in lieu thereof a new article No. 1141, fixing a penalty for murder; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report that the said minority recommend that the bill do pass.

WESTBROOK, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Section 22, Chapter 67, of the General Laws of the Regular Session of the Thirty-second Legislature, which was approved March 13, 1911, relating to the salary of assistants appointed by the criminal district attorney of said county, so as to provide for the salary of such assistants appointed by and for said attorney, and declaring an emergency."

Have had the same under consideration, and we, your committee, beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Darwin, Chairman; Townsend, Gibson, Page.

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to amend Section 116, of Chapter 96, Acts of the Regular Session of the Thirty-second Legislature, providing for the granting of teachers' certificates, and declaring an emergency."

Have had the same under consideration and beg leave to report that it do pass.

BEE, Chairman.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 72, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 56, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 91, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Substitute Bill No. 20, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

S. B. No. 46, A bill to be entitled "An Act to regulate the payment of wages to employes in certain employments with the State of Texas; providing penalty for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

M'NEALUS, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to amend Article 3496, entitled 'Estates of Decedents,' Chapter 22, Title 52, of the Revised Statutes of the State of Texas, 1911, regulating the sale of property belonging to estates of decedents,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 100, A bill to be entitled "An Act to amend Article 4610, of Chapter 1, Title 68, Revised Civil Statutes of 1911, providing that all persons desirous of marrying in this State shall procure a license authorizing its celebration, and declaring all marriages contracted, entered into or celebrated in any other manner null and void,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 94, A bill to be entitled "An Act to amend Article 494, Title 10, Chapter 3, of the Revised Penal Code of the State of Texas, 1911, entitled 'Fornication Defined,' so as to eliminate the word 'habitual,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 95, A bill to be entitled "An Act to amend Articles 1133, 1134 and 1138, of the Revised Code of Criminal Procedure of the State of Texas of 1911, defining the duties of the district judge and the Comptroller of Public Accounts, in examining, auditing and approving all bills, claims and accounts against the State for fees and salaries in felony cases in favor of witnesses, district, county and precinct officers; defining the duties of the district clerk, and providing a penalty for his failure to perform such duties, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to amend Article 490, Title 10, Chapter 3, of the Revised Penal Code of the State of Texas, 1911, entitled 'Adultery Defined,' so as to eliminate the word 'habitual,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report the

same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 97, A bill to be entitled "An Act to amend Article 4980, Title 72, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-Second Legislature, so as to provide that the penalty for the charge or collection of usurious interest shall be the forfeiture of principal as well as interest, and repealing laws in conflict herewith, and providing an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 102, A bill to be entitled "An Act to amend Article 1533, Chapter 16, Title 18, of the Revised Criminal Statutes of the State of Texas, by including therein the following: 'Also any ex-Confederate soldier making application for a pass accompanied by an affidavit made before the county judge of the county of his residence that he is an ex-Confederate soldier, the said county judge certifying that he is a reputable citizen of said county, that the applicant is well known to him; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 21, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 4, A bill to be entitled

"An Act to amend Article 29, Title 5, of the Revised Civil Statutes of Texas, and to amend Chapter 120, Acts of the Thirty-second Legislature, and to create the Ninth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed.

NUGENT, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Judicial Districts, beg leave to recommend that S. B. No. 4 do not pass as recommended by the majority report, but that S. B. No. 61 be substituted for S. B. No. 4, as follows:

S. B. No. 61. By King—
Supreme Judicial District—Organizing the Ninth Supreme Judicial District, and Reorganizing the First and Sixth, and Prescribing Their Boundaries.

An Act to amend an Act of the Thirty-second Legislature entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature, creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That an Act passed by the Thirty-second Legislature creating the Seventh and Eighth Supreme Judicial Districts of Texas, and reorganizing the First, Second, Third, Fourth, Fifth, and Sixth Districts,

and prescribing their boundaries, be so amended as to read as follows, to-wit:

The State of Texas shall be, and is hereby divided into, nine Supreme Judicial Districts, for the purpose of constituting and organizing Courts of Civil Appeals therein, respectively.

1. The following counties shall compose the First Supreme Judicial District: Houston, Madison, Walker, Harris, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Fayette, Lavaca, Jackson, Anderson, Brazos, Leon, Burleson, DeWitt, and Galveston.

2. The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Baylor, Knox, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Tarrant, Parker, Palo Pinto, Stephens, Shackelford, Jones, Mitchell, Nolan, Taylor, Callahan, Bosque, Eastland, Erath, Hood, Somervell, Comanche, Johnson, Dawson, Howard, and Scurry.

3. The following counties shall compose the Third Supreme Judicial District: Runnels, Coleman, Brown, Mills, Hamilton, Coryell, Bell, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Travis, Blanco, Hays, Comal, Caldwell, Robertson, McLennan, Falls, Sterling, Coke, Tom Greene, Irion, Schleicher, and Crockett.

4. The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimball, Kerr, Bandera, Uvalde, Zavala, Dimmitt, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Willson, Live Oak, Zapata, Bee, Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, and Kleberg.

5. The following counties shall compose the Fifth Supreme Judicial District: Grayson, Collin, Dallas, Rockwall, Ellis, Navarro, Kaufman, Henderson, Van Zandt, Raines, Hunt, Hill, Limestone, Freestone, Wood, and Delta.

6. The following counties shall compose the Sixth Supreme Judicial District: Lamar, Red River, Bowie,

Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Fannin, Cherokee, Rusk, Gregg, Harrison, Panola, Smith and Upshur.

7. The following counties shall compose the Seventh Supreme Judicial District: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Brisco, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, King, Dickens, Crosby, Lubbock, Cochran, Yoakum, Terry, Lynn, Garza, Kent, and Fisher.

8. The following counties shall compose the Eighth Supreme Judicial District: Gaines, Borden, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, and Culberson.

9. The following counties shall compose the Ninth Supreme Judicial District: Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Montgomery, Liberty, Chambers, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine, and San Augustine.

Sec. 2. Within thirty days after the passage of this Act, the Governor shall, by and with the consent of the Senate, if in session, appoint one chief justice and two associate justices for the Ninth Supreme Judicial District, who shall each reside in the territorial limits of the Ninth Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Ninth Supreme Judicial District, and who shall hold their offices until the next general election in 1916, and shall thereafter be elected and qualify as provided and required by Article 988 of the Revised Statutes of Texas.

Sec. 3. The Court of Civil Appeals for the Ninth Supreme Judicial District shall hold its sessions in the city of Beaumont, in the county of Jefferson, and its terms shall commence on the first Monday in October of each year, and shall continue in session until the first Monday in July of each succeeding year; provided, however, said court may commence

its first session immediately upon the appointment and qualification of the judges thereof, and the organization of the court; and provided, further, that if said court is located at Beaumont, the citizens thereof will furnish, provide and equip suitable room or rooms for said court and the members thereof without cost or expense to the State.

Sec. 4. The fact that there exists a great and constantly increasing accumulation of cases in the eight Courts of Civil Appeals now existing, and the further fact that it is practically impossible for said courts to dispose of the business on their dockets with reasonable dispatch, constitute an emergency, rendering it proper and necessary that the constitutional rule requiring bills to be read three several days, be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be, and the same are hereby repealed, and it is so enacted.

And that S. B. No. 4, as thus substituted, do pass.

All of which is respectfully submitted.

KING,
For Minority.

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

S. B. No. 105, A bill to be entitled "An Act to amend Article 918, Title 10, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, so as to permit bail bonds in misdemeanor cases to remain in force, where motion for a new trial has been filed, until judgment has been rendered by the court upon the motion,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Acting Chairman.

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Com-

mittee on Judicial Districts, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to amend an Act of the Thirty-second Legislature, entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature, creating the Fifth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial District of Texas, and to provide for the organization of a court of civil appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws in conflict therewith, and declaring an emergency,'"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be printed.

NUGENT, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Judicial Districts, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to amend an Act of the Thirty-second Legislature, entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature, creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws in conflict therewith, and declaring an emergency,'"

Have had the same under consideration, and beg to report the same back to the Senate, with the recommendation that it do not pass.

BAILEY of Harris,
For the Minority.

Engrossing Committee Report.

Committee Room,
Austin, Texas, January 22, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on En-

grossed Bills, have carefully compared S. B. No. 52, and find the same correctly engrossed.

WESTBROOK, Chairman

TENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, January 25, 1915.

The Senate met at 1 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their name:

Astin.	King.
Bailey of Harris.	Lattimore.
Bee.	McGregor.
Clark.	McNealus.
Conner.	Morrow.
Darwin.	Parr.
Gibson.	Page.
Hall.	Suiter.
Harley.	Townsend.
Harris.	Westbrook.
Henderson.	Wiley.
Johnson.	

Absent.

Brelsford.	Nugent.
Cowell.	Robbins.
Hudspeth.	

Absent—Excused.

Bailey of DeWitt. Smith.

When the roll was first called no quorum was present and on motion of Senator Johnson, the Senate was at ease for a short time, pending the arrival of enough members to complete the quorum.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

See Appendix for Petitions and Memorials and Standing Committee Reports.

Bills and Resolutions.

By Senator Johnson:

S. B. No. 133, A bill to be entitled "An Act to make appropriation to

cover the cost of temporary buildings for the use of the West Texas Normal College at Canyon, Texas, built in June, 1914, and declaring an emergency.

Read first time and referred to Committee on Finance.

By Senators Hudspeth, McGregor, Townsend, Harris, Westbrook and Bee:

S. B. No. 134, A bill to be entitled "An Act prescribing the number of employes on all trains of more than five cars, transporting passengers for hire and on all other trains of more than forty cars, and on engines engaged exclusively within yard limits for the purpose of assorting, switching and shunting cars, and providing a penalty for the violation thereof."

Read first time and referred to Committee on Internal Improvements.

By Senator Lattimore:

S. B. No. 135, A bill to be entitled "An Act granting permission to Lee Smith, Boyd Neilson, Arley Gilbert, or the parent, parents or legal representative or guardian or guardian ad litem, or next friend of said persons, to bring suit in the district court of Tarrant County, Texas, for the purpose of ascertaining, adjudicating, fixing and establishing claims for damages against said State of Texas, arising out of the injuries received by said Lee Smith, Boyd Neilson, Arley Gilbert, on or about July, 1912, as in said bill set forth and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Lattimore:

S. B. No. 136, A bill to be entitled "An Act to amend Article 4643, Chapter 1, Title 69, of the Revised Civil Statutes of Texas of 1911, adopted at the regular session of the Thirty-second Legislature, relating to injunction, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Cowell and Lattimore:

S. B. No. 137, A bill to be entitled "An Act to aid in the collection of unpaid taxes: to forbid and prevent the issuance of tax receipts for current taxes when there are unpaid back taxes, providing penalties and making the law cumulative, and declaring an emergency."